



Midlothian

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

LATE HOURS CATERING LICENSING

NOTES FOR GUIDANCE

- 1 A Late Hours Catering Licence shall be required for the use of premises between the hours of 11 o'clock in the evening and 5 o'clock the following morning for the sale to or consumption by the public of meals or refreshments. Supermarkets, petrol filling stations and similar premises where the principal business is not that of serving needs of refreshment do not require to be licensed.
- 2 A Late Hours Catering Licence shall not be required in respect of:-
 - (a) the use as such of licensed premises within the meaning of the Licensing (Scotland) Act 1976; or
 - (b) premises being used in accordance with a Public Entertainment Licence.
- 3 Completed application forms must be accompanied by a sketch plan of the premises and cheques/ postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 4 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 5 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**

If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing: dataprotectionsubjectaccess@scotland.pnn.police.uk or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request.

Further information and application forms can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/data-protection/subject-accessrequests>

Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.

6 **The fee is £377.00.**

7 The applicant shall, for a period of 21 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 21 day period, duly certify that this Notice has been posted.

8 The Council will consult the Chief Constable, Chief Fire Officer and Planning Officer

It is the applicant's responsibility to ensure that they have the correct planning permission in place prior to using a site for any purpose. Ideally this should be established before applying for a licence. If they have any queries about the suitability of a site for a certain use then they should approach the planning authority directly for advice. Pre-Application Advice can be sought here:-

http://www.midlothian.gov.uk/info/180/development_management_planning_applications/279/planning_information_and_guidance

9 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.

10 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.

11 There is attached a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.

Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email BG@midlothian.gov.uk to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website www.midlothian.gov.uk to access our online Privacy notice